

Notice of Allowability

Application No.

09/939,310

Examiner

Qamrun Nahar

Applicant(s)

SOKOLOV, STEPAN

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 9/26/05.
2. ☒ The allowed claim(s) is/are 1, 3-8 and 22-35, renumbered 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 09/23/05, 10/27/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. This action is in response to the RCE filed on 9/26/05.
2. The objection to claims 1, 22 and 29 is withdrawn in view of applicant's amendment.
3. The rejection under the judicially created doctrine of obviousness-type double patenting to claims 1, 3-8 and 22-35 is withdrawn in view of applicant's submission of terminal disclaimer filed on 9/26/05.
4. The rejection under 35 U.S.C. 103(a) as being unpatentable over Clausen et al., "Java Bytecode Compression for Low-End Embedded Systems", 2000 (hereinafter Clausen) in view of Cirne (U.S. 6,260,187) to claims 1, 3-8 and 22-35 is withdrawn in view of applicant's amendment and remarks/arguments.
5. Claims 1, 3, 22 and 29 have been amended.
6. Claims 1, 3-8 and 22-35 are pending.
7. Claims 1, 3-8 and 22-35 are allowed, renumbered 1-21.

Terminal Disclaimer

8. The terminal disclaimer filed on 9/26/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Number 09/939,106 has been reviewed and is accepted. The terminal disclaimer has been recorded.

REASONS FOR ALLOWANCE

9. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, selecting, at load time, a first-reduced instruction from a reduced-set of virtual machine instructions, wherein said first-reduced instruction represents two or more different virtual machine instructions in said first sequences of virtual machine instructions ... translating, at load time, said two or more different virtual machine instructions in said first sequence into said first-reduced instruction from said reduced-set of virtual machine instructions as substantially recited in independent claims 1, 22 and 29.

The closest cited prior arts, the combination of Clausen and Cirne teaches a method of instantiating objects by a virtual machine. However, the combination of Clausen and Cirne fails to teach selecting, at load time, a first-reduced instruction from a reduced-set of virtual machine instructions, wherein said first-reduced instruction represents two or more different virtual machine instructions in said first sequences of virtual machine instructions ... translating, at load time, said two or more different virtual machine instructions in said first sequence into said first-reduced instruction from said reduced-set of virtual machine instructions as substantially recited in independent claims 1, 22 and 29; and as pointed out by the applicant's remarks/arguments on pg. 8, par. 4 to pg. 9, par. 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Qamrun Nahar
November 11, 2005



WEI Y. ZHEN
PRIMARY EXAMINER